

REMARKS

Claims 67-93 were pending in the present application. By this Amendment, new claim 94 has been added, claims 81 and 86 have been cancelled and claims 67-71, 75, 77, 80, 84, 85, 87 and 93 have been amended. Support for the amended claims is generally found at 0080-0085. The central axis described in amended claim 69 is supported e.g., at element 530 in Fig. 14B and at 0116. Amended claims 70, 75, and 85 are supported at 0080. Amended claim 80 is supported at 0006. The at least one lumen in amended claims 67, 85 and 87 is supported by original claim 67.

Turning to the prior art, Tartaglia et al, US Patent No. 6,800,056 B2 describes an endoscope having a guiding apparatus. As shown in Figs. 2 and 3A, the endoscope 20 has a steerable distal portion 24, an optional automatically controlled portion 28, and a flexible and passively manipulated proximal portion 22. Col. 7, lines 17-24. The proximal portion 20 is preferably a flexible tubing member which may conform to an infinite variety of shapes. Col. 7, lines 63-65.

In Tartaglia et al, the endoscope 20 has a guide 36 that can be slidably advanced and withdrawn into and out of a lumen 50 within the endoscope 20, as shown in Figs. 3A and 4A-C. Col. 9, lines 25-50. The guide 36 is selectively rigidizable. When flexible, it can be moved into the endoscope 20 and assume the shape of the endoscope. It can then be made rigid to hold that shape. Col. 11, lines 33-40. The guide 36 may alternatively be disposed exteriorly of the endoscope body 20 to slide along a rail or exterior channel. Col. 10, lines 24-28. The guide may be comprised of a series of individual segments 72 which are rotatably interlocked with one another in series. Col. 12, lines 12-15.

Amended claim 67, and claim 92, describe a first section comprising a plurality of links. These links allow the first section to be made rigid. In contrast, in Tartaglia et al, the first section is flexible and passively controlled. Col. 7, lines 20-22. The first section in Tartaglia et al has no links, as claimed. Indeed, the first section in Tartaglia et al is preferably a flexible tubing. Col. 7, lines 63-65. New claim 94 describes the second section also comprising a plurality of links. In Tartaglia et al, the distal section has no links. The only component in Tartaglia et al having links is the guide 36, which is a separate element, and not part of any section of the endoscope 20.

Claims 91 and 92 describe a lumen extending through the first and second links. In contrast, as shown in Fig. 4B, in Tartaglia et al, the lumens are necessarily around the outside of the guide. In the design of claims 91 and 92, since the links are around the lumen(s), the links have a larger diameter and can better resist deflection when locked, even with moderate forces applied by a tensioning element. In contrast, as the guide in Tartaglia et al is at a central position of the endoscope, it is not as well positioned to resist deflection, in comparison to the claimed apparatus. A centrally located guide, as in Tartaglia et al, would also appear to require thick wall sections (as is indeed shown in Figs. 6-10) and very high tensioning forces (adding to its weight and operational complexity).

Amended claims 70, 75 and 85 describe the first and second sections that are independently rigidizable. This feature is entirely absent from Tartaglia et al. In Tartaglia et al, the endoscope 20 is made rigid by sliding the guide 36 in to a desired position, and then rigidizing the guide. Col. 2, lines 47- 62. The entire length of the guide 36 is either flexible or rigid. There is no suggestion in Tartaglia et al of a guide with selectively rigidizable sections. Moreover, the concept of selectively rigidizable guide sections conflicts with the sliding in and out movement of the guide, as taught in Tartaglia et al. As a result, in Tartaglia et al, the proximal end, or the entire length may be rigidized, but the distal end may not be made rigid without also making the proximal end rigid. Hence, there is no suggestion in Tartaglia et al of apparatus having first and second sections independently rigidizable, as claimed.

Amended claim 80 describes an endoscope extendable through the main body, with the endoscope having a steerable tip. As described at 0085, the rigidizable feature allows the apparatus to create a rigid platform, from which an endoscope or other tools may operate. Tartaglia et al is itself an endoscope. Accordingly, in Tartaglia et al, there are no elements, such as the claimed main body, to provide a rigid platform, e.g, for an endoscope. Rather, in Tartaglia et al, all of the elements are endoscope elements, and there are no elements to provide a platform.

Amended claim 87 describes a locking mechanism permanently in the first section. Amended claim 93 describes shape locking means formed in the first section. In contrast, in Tartaglia et al, the guide 36 is not permanently at any position, or formed in any part of the endoscope. Rather, in Tartaglia et al, the guide is an separate element that slides in and out of the endoscope as needed or desired.

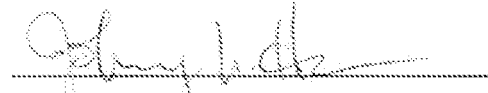
Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. USGINZ00130. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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